



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
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Division Director

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3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 6, 1992

HAND DELIVERED

Mr. Harold R. Marston
Jay Pagano Estate
P.O. Box 136
Wellington, Utah 84501

Dear Mr. Marston:

Re: Non-Compliance Notice Resolution, Pagano Clay Project, S/015/062, Emery County, Utah

This letter is forwarded to you as a follow up to your October 1, 1992 conversation with Mr. Holland Shepherd of the Division, regarding your recent actions and response to our September 11, 1992 **Notice of Non-Compliance** letter. It is our understanding that you have decided to terminate mining activities at the Pagano Clay Project, and that these activities have disturbed greater than 5 acres. You informed Mr. Shepherd that you have hired a contractor who has started to reclaim the mine site.

Since surface disturbances are greater than that allowed under a Small Mining Notice of Intention, you are hereby advised, that any reclamation activity conducted on the mine site that is not incorporated in an approved Mining and Reclamation Plan, is performed at your own risk, and without the formal consent or approval of this Division. Until further notice, you are still bound by the Mitigation Requirements as outlined in our September 11, 1992, Non-Compliance Notice (copy attached). We anticipate a formal response and resolution of each mitigation requirement from you, on or before the October 15, 1992 deadline.

As you know, an onsite field inspection is tentatively scheduled to be performed by Division staff on October 7, 1992. We look forward to the receipt of your response and the expeditious resolution of the Non-Compliance concerns.

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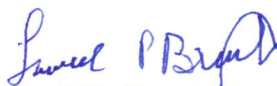
Mr. Harold R. Marston

S/015/062

October 6, 1992

Please contact me directly, if I can be of assistance in resolving these outstanding permitting requirements.

Sincerely,



Lowell P. Braxton


Associate Director, Mining

jb

Attachment

cc: Gary Bagley, State Lands & Forestry
Dianne Nielson, DOGM
Tom Mitchell, Assistant Attorney General
Minerals Staff (route)

S015062.non

Received by 

Date 10-7-92